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REMARKS

This response is to the Office Letter mailed in the above-referenced case on August 29, 2006, in which the Examiner imposed all new grounds of rejection in the eighth round of examination. The applicant and his agent are fully aware that this practice is tolerated, and even encouraged in the Office, and is becoming much more frequent. Still, the applicant, an individual inventor, not a corporation with deep pockets, should have a right to expect that all of the art available would be cited and applied at some point prior to an eighth round of examination. The applicant and his agent are aware, too, that in the event we are able to overcome the rejections in the present action, that the Examiner can do another search and craft another rejection, at least as good as the last one, and never have to even consider allowing the case.

Still, there is little choice but to respond, and ask that if there is more art yet unmentioned and not shared with the applicant, and more rejections not yet applied, that it all get done in the next round.

The Examiner now rejects claims 8-25 under 35 U.S.C. 103(a) over Hancock, US 6,202,023, hereinafter Hancock, in view of Lumelsky, US 6,081,780, hereinafter Lumelsky.

The applicant has caused the two independent claims, 8 and 17, to be presented below as amended above, with the amendments indicated.

8. (Currently amended) An information system for delivering position-related information to a portable digital appliance, comprising:

- a tracking system for tracking position of the appliance;
- a data repository comprising data entities each identified by position within one or more bounded regions and by different information subject categories or specific sub-categories; and
- a client profile recording specific information subject categories or specific sub-

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categories of interest for a user of the digital appliance;

wherein the information system selects information data entities from the data repository to be provided to the appliance according to the position of the appliance and the specific information subject or specific sub-categories of interest of the digital appliance and indicated in the client profile.

17. (Currently amended) A method for delivering position-related information to a portable digital appliance, comprising the steps of:

- (a) tracking position of the appliance;
- (b) storing a client profile indicating a specific subject categories or specific sub-categories of interest for a user of the appliance; and
- (c) selecting information data entities from a data repository in which individual ones of the data entities are identified by both position of the appliance and subject categories of interest, to be provided to the appliance according to the position of the appliance and the specific subject categories or ~~specific sub-categories~~ of interest of the digital user of the appliance and indicated in the client profile.

The Examiner states that Hancock teaches a tracking system at col. 3, line 6 and the applicant agrees.

The Examiner alleges that Hancock teaches "...a data repository comprising data entities each identified by position within one or more bounded regions and by different information subject categories or specific sub-categories...", quoted directly from applicant's claim, not from Hancock, and the applicant respectfully disagrees. The Examiner relies on Hancock col. 3, lines 15-21; col. 4, lines 1-5; and col. 5, line 62 to col. 6, line 19.

Hancock col. 3 lines 15-21 teaches that the application program prompts the user to select a category of interest, and builds a data packet on the client device. There is no teaching in this portion of Hancock even remotely connected with description of a data repository and a way that data entities in such a repository might be identified.

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Hancock col. 4, lines 1-5 describes briefly a grid referencing system which allows faster database searches - but the limitations in the claim for which this portion is applied have to do with how the data entities are identified in the data repository. This portion of Hancock does not address the limitation.

Hancock col. 5 line 62 to col. 6 line 19 describes in some detail the grid referencing system of Hancock, but again, the limitation in the claim to which this teaching is applied has to do with how individual data entities are identified (that is tagged) in the data repository so they might be retrieved according to the location and subject.

Perhaps the Examiner did not really understand the limitations on the data repository and the data entities in that repository. The applicant has amended the claim with the words "...individual ones..." modifying data entities, to make the limitation more clear. A data entity in a data repository is tagged (identified) by a location and a subject. That is the limitation to be found in the art.

Considering method claim 17, it seems the Examiner's rejection is closer to the mark, as the specific limitations of the identification of individual data entities were not clearly recited. This has been corrected by amendment, so the same reasoning applies now to claim 17.

The further clarify the limitations, the applicant has amended claim 8 to recite in the wherein clause that the system selects individual data entities from the data repository.

The applicant argues that the redirection of a clients browser to a URL, where information may be stored according to a location area and a category of interest, may be an alternative invention for providing similar functionality as provided by the applicant's invention, BUT IT IS NOT THE SAME INVENTION, AND DOES NOT READ ON THE LIMITATIONS OF THE APPLICANT'S CLAIM.

Lest the Examiner respond that the applicant cannot overcome a 103 rejection by attacking the references individually, let us make it clear that we are attacking the combination of Hancock and Lumelsky. The combination of these two references does not fairly teach a data repository in which individual ones of data entities stored therein are identified by location and subject of interest according to a client profile. The combination

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therefore fails, and claims 8 and 17 as amended are clearly patentable over the references cited and applied.

Claims 8 and 17 are patentable and claims 9-16 and 18-25 are now patentable at least as depended from a patentable claim. The Applicant therefore respectfully requests reconsideration and that if the Examiner insists on fashioning yet another rejection, that he concentrate on characteristics of a data repository in analogous art, wherein individual data entities are tagged by location and by subject of interest.

If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
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